IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 580 OF 2003

IN

SUMMARY SUIT NO. 1023 Of 2003

Ramesh Kumar M. Parmar .. Plaintiff

versus

Pankaj P. Parikh .. Defendant

...

Mr.B.R. Patil for the plaintiff.

Mr.K.K. Jadhav for the defendant.

Defendant present in person.

CORAM : D.G. KARNIK,J.

DATED : 29th March 2005.

P.C.:

1. Heard the learned counsel for the plaintiff and defendant. Defendant is also present in person in the court.

2. Despite service of Summons for Judgement, the defendant has not filed an application for leave to

defend nor filed any affidavit in reply. In the circumstances, averments made in the plaint are deemed to be admitted. The learned counsel for the plaintiff hands in original documents along with a list. The documents are taken on record and collectively marked Exhibit-A.

3. I have perused the plaint and the documents filed on record. The plaintiff advanced to the defendant a loan of Rs.1 lakh. The defendant executed two promissory notes of Rs.50,000/- each on 15th March 2000 agreeing to pay Rs.50,000/- each together with interest at 1.5% p.m. The plaintiff has also filed on record notice of demand and acknowledgement. Despite notice of demand, the defendant failed and neglected to make the payment. In the absence of any affidavit in reply, the case of the plaintiff is believed. Accordingly, Summons for Judgement is made absolute and the suit of the plaintiff is decreed as follows:

4. The defendant shall pay to the plaintiff a sum of Rs.1,52,000/- together with interest on the principal sum of Rs.1 lakh at 9% p.a. from the date of the suit till payment and all costs of the suit.

D.G. KARNIK, J